

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

State Audit Department – Waiving of excess payment of Rs.35,561/- paid to Sri E. Lingaiah, Assistant Audit Officer (Retd.) due to erroneous pay fixation – Orders – Issued – Reg.

FINANCE (ADMN.II) DEPARTMENT

G.O.Rt.No. 4793

Dated : 22.11.2010

Read the following :

1. Order of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, dated 14.10.2009 in O.A.No. 11140 of 2009.
2. Lr.Nos: 20057/J.1(Legal Cell)/2010, 27.07.2010 from the Director, State Audit.

In the reference 1st read above, the Andhra Pradesh Administrative Tribunal, Hyderabad has disposed off the O.A.No. 11140/2009 at the admission stage with a direction to the Respondent No.1 i.e., Government of Andhra Pradesh represented by its Secretary, Finance (Admn.II) Dept., Secretariat, Hyderabad to pass appropriate orders on the representation of Sri E. Lingaiah, dated 29.10.2008 for waiving of excess payment of Rs.35,561/- as ordered by the Respondent 3, i.e., the Regional Deputy Director, State Audit, Zone-V, Warangal keeping in view the Judgement of the Apex Court, reported in 1995 SCC Syupp (1) – (18) in the case of Sahib Ram Vs. State of Haryana, within a period of four weeks from the date of receipt of the Order.

2. The Law Department has stated that “It is not on account of any misrepresentation made by the appellant that the benefit of the higher pay scale was given to him but by wrong construction made by the principal for which the appellant cannot be held to be at fault. Under the circumstances the amount paid till date may not be recovered from the appellant. Following the principles laid down by the Hon'ble Supreme Court in Sahib Ram's case the Hon'ble High Court of Kerala in Sivan Kutty Nair Vs. Secretary to Government, Finance Department (2006 (3) SLR 375 held that :

“The legal position is pretty clear that excess amount paid on account of wrong fixation of pay cannot be recovered unless the employee has, in any way, contributed to the mistake. These decisions are clear authority for the proposition that excess payment made pursuance to wrong fixation of pay cannot be recovered unless there is fault on the employee like misrepresentation.”

3. Government, after careful examination of the issue, hereby waive the excess payment of Rs.35,561/- paid to Sri E. Lingaiah, Assistant Audit Officer (Retd.) due to erroneous pay fixation according to the judgement of the Hon'ble Andhra Pradesh Administrative Tribunal, dated 14.10.2009 in the O.A. No. 11140 of 2009 filed by the individual to avoid further legal complication.

4. The Director of State Audit, A.P., Hyderabad, shall take necessary action in the matter accordingly and further this shall not be quoted as precedent case in future.

5. Copy of this order is available on Internet and can be accessed at the address <http://www.ap.gov.in.goir>

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V. SUBRAHMANYAM
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri E. Lingaiah, Assistant Audit Officer (Retd.) through Director, State Audit, A.P.,
Hyderabad
The Director State Audit, A.P., Hyderabad

// FORWARDED BY ORDER //

SECTION OFFICER